PROVINCE OF SASKATCHEWAN

2012

ANNUAL REPORT

MINISTRY OF JUSTICE

Public and Private
Rights Board

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This annual report is also available in electronic format from the Ministry's website at **www.justice.gov.sk.ca.**

Letter of Transmittal

March 31, 2013

Honourable Brad Wall
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act,* I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period of January 1, 2012 to December 31, 2012.

Respectfully submitted,

J. Glen Gardner
Chairman

Staff

The staff of the Public and Private Rights Board are:

- J. Glen Gardner, Chairman
- Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board (PPRB) has the authority to review matters relating to the expropriation of land, or the intention to acquire land, by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help both parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- The route, situation or design of a public improvement; and
- The amount of compensation offered for the expropriated land.

The primary role of the PPRB is dispute resolution. The Board helps landowners and expropriating authorities reach agreement on the most appropriate route or design of a public improvement. They may also be involved in mediating reasonable compensation for a required piece of land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*[1]

The Board assists parties in their negotiations and, if necessary, mediates a settlement. In some instances, resolution can be reached prior to the formal expropriation process being initiated. This is beneficial to all the parties, as the PPRB is a neutral third party that is committed to working with the other parties to ensure accountability, clear understanding and openness.

In 2012, the Board completed a number of claims that were of greater complexity, size and urgency than has been the case in previous years. I would like to express my appreciation for the good work of the staff of the expropriating authorities, landowners and their representatives, and especially the mediators of The Dispute Resolution Office for their efforts to improve the approach to servicing these claims, which were undertaken under very challenging circumstances.

In addition to the claims processed, each year there are a number of inquiries from the public concerning actions by public authorities that do not fit within the mandate of the PPRB. These inquiries are handled by the staff of The Dispute Resolution Office, who help the concerned party develop a constructive approach to address their concerns, and in some cases, refer the inquiring individual to other agencies.

The Board will continue to work with expropriating authorities, The Dispute Resolution Office, and landowners and their representatives to continue to improve service in the coming year.

1. Kenneth J. Boyd, *Expropriation in Canada - A Practitioner's Guide* (Aurora, Ontario: Canada Law Book, 1988), p. 27.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2012

i. Number and Nature of Claims Negotiated in 2012

(A) Carried forward from 2011:

i) Route, Situation or Design	2
ii) Compensation	13
Subtotal	15

(B) New claims received in 2012:

i) Route, Situation or Design	1
ii) Compensation	9
iii) Claims withdrawn in 2012	0
Subtotal	10

ii. Number and Nature of Claims Completed in 2012

i) Route, Situation or Design	3
ii) Compensation	18
Total	**21**

iii. Number and Nature of Claims Carried Forward into 2013

i) Route, Situation or Design	1
ii) Compensation	3
Total	**4**

b. Number and Nature of Claims Received by the Board in 2012 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	1	1
SaskPower	1	2	3
Highways	0	4	4
Miscellaneous	0	2	2

c. Number and Nature of Claims Initiated with the Board in 2012 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	1	1
SaskPower	1	2	3
Highways	0	4	4
Miscellaneous	0	2	2

d. Resolution of Claims Initiated with the Board in 2012 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	1	1	0	2
SaskPower	4	2	0	6
Highways	6	6	0	12
Miscellaneous	0	1	0	1

e. Number and Nature of Claims Received by the Board (2002-2012)

Year	Route, Situation or Design	Compensation	Total
2002	8	3	11
2003	1	2	3
2004	2	0	2
2005	0	5	5
2006	1	2	3
2007	3	3	6
2008	3	3	6
2009	4	7	11
2010	2	3	5
2011	8	5	13
2012	1	9	10

f. Number of Claims Received by the Board (2002-2012) by Expropriating Authority

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Highways	Misc.
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1
2005	0	1	1	0	3	0
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0
2009	0	6	2	0	3	0
2010	0	1	1	0	3	0
2011	0	2	4	0	6	1
2012	0	1	3	0	4	2